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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219312
Party	Plaintiff Karen Millen Fashions Limited
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Submission	Motion to Suspend for Civil Action
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Date	08/23/2016
Attachments	KARENX - Joint Motion to Suspend.pdf(156978 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of : Karen Millen  
Serial No. : 86/246,052  
Filed : April 8, 2014  
Mark : KARENX



Published : October 14, 2014

KAREN MILLEN FASHIONS LIMITED,

Opposer,

v.

KAREN MILLEN,

Applicant

Opposition No. 91219312

Serial No.: 86/246,052

**JOINT MOTION TO SUSPEND OPPOSITION PROCEEDING**

Pursuant to C.F.R. § 2.117(a), (b), (c), and T.B.M.P. § 510.02(a), Opposer Karen Millen Fashions Limited (“Opposer” or “KMFL”) and Applicant Karen Millen (“Applicant”) hereby move, for the reasons set forth below, that this proceeding be suspended for a period of thirty-seven (37) days, and that the dates be reset as follows. The dates below reflect the parties’ firm timetable for resolution of any open issues:

Plaintiff’s Pretrial Disclosures:	October 4, 2016
Plaintiffs 30-day Trial Period Ends:	November 18, 2016
Defendant’s Pretrial Disclosures:	December 3, 2016
Defendant’s 30-day Trial Period Ends:	January 17, 2017
Plaintiff’s Rebuttal Disclosures:	February 1, 2017
Plaintiff’s 15 day Rebuttal Period Ends:	March 3, 2017

The parties provide herein the following detailed report as per the Board's order of June 21, 2016, and respectfully submit that the proceeding should be suspended pending the issuance of a Final Order in a related United Kingdom litigation at the High Court of Justice, Chancery Division, Intellectual Property, namely, the case styled *Karen Denise Millen v. Karen Millen Fashions Limited and Mosaic Fashions US Limited*, Claim No: HC-2014-000808 ("UK Proceeding").

Under C.F.R. § 2.117(c), the Board may suspend a proceeding upon good cause or upon motion by either Applicant or Opposer. Furthermore, the Board will suspend a proceeding if the final determination of another proceeding (i.e., the related litigation) may have a bearing on the issues before the Board. T.B.M.P. § 510.02. Here, a suspension is warranted because on August 16, 2016, the UK court issued a decision in the UK Proceeding ("UK Judgment") which may have a bearing on the issues before the Board. This is the case because the UK Judgment addresses, among other things, issues relating to Applicant's right to seek registration of various trademarks in the United States and elsewhere, including the KARENX mark at issue in this proceeding, and the parties to the UK Proceeding are in disagreement as to the impact of the UK Judgment on this proceeding.

The next step in the UK Proceeding is for the court to conduct a hearing on September 13, 2016 concerning injunctive relief and other remedies ("UK Remedies Hearing"), and thereafter to issue a Final Order. It is expected that the Final Order will further clarify issues that may have a bearing on the instant proceeding. In the instant proceeding, Opposer's current deadline to submit its Pretrial Disclosures is August 28, 2016, and its testimony period is scheduled to open on September 12, 2016. The parties respectfully submit that the interests of judicial efficiency and the preservation of resources will be promoted by suspending the instant proceeding until after the UK Remedies Hearing and the issuance of the Final Order.

The parties also hereby report since the Board's last order dated June 21, 2016, a discovery dispute has arisen concerning a production of documents by Opposer after the close of discovery. The parties conducted a meet-and-confer phone call on August 18, 2016 to discuss the issue, but have not yet resolved the matter. The parties wish to expressly reserve all of their rights with respect to that discovery dispute, including if necessary the right to seek the Board's intervention in the matter.

Accordingly, for the reasons set forth herein, Opposer and Applicant hereby jointly request that the instant opposition proceeding be suspended for thirty-seven (37) days and that the trial dates be reset as detailed above.

Respectfully submitted,

Dated: August 23, 2016

ARENT FOX LLP

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion to Suspend Opposition Proceeding is being served upon Applicant's counsel Louis S. Ederer of Arnold & Porter, LLP, 399 Park Avenue, New York, New York by email and first class mail on August 23, 2016.

/s/ Ross Q. Panko